REMARKS/ARGUMENTS

Claims 22, 24, 26-33, 36-43, and 46-48 are pending in the present application and remain in this application for prosecution. Claims 22, 33, and 43 have been amended.

§ 102 and § 103 Rejections

Claims 22, 26-27, 29-30, 32-33, 36-37, 41-43, and 47-48 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 6,347,996 B1 to Gilmore *et al.* ("Gilmore"). Claims 24, 28, 40, and 46 have been rejected under 35 U.S.C. § 103(a) for allegedly being unpatentable over Gilmore in view of U.S. Patent No. 6,089,976 to Schneider *et al.* ("Schneider"). Claims 31 and 38-39 have been rejected under 35 U.S.C. § 103(a) for allegedly being unpatentable over Gilmore in view of U.S. Patent No. 6,517,433 to Loose *et al.* ("Loose").

Personal Interview

The Applicants note with appreciation the personal interview of November 2, 2009, with Examiners Andrew Kim and John Hotaling. The Applicants' representatives were attorneys Michael Blankstein and Sorinel Cimpoes. The Applicants agree with the Interview Summary that the amended claims overcome the art of record.

During the interview, the Applicants' representatives briefly discussed the prosecution history that resulted in the current office action. Specifically, the discussions noted that Examiner Kim has reopened prosecution (in response to the Applicants' Appeal Brief of March 6, 2009), but the current office action is still relying on the same art that was being relied on in the previous office action (dated February 7, 2008). In fact, except for dependent claims 31, 38

and 39, all the rejections are substantially identical to the previous office action. As such, the Applicants' representatives respectfully noted that it seems unfair and/or unreasonable to simply reopen prosecution without providing a new ground of rejection and/or new art at least for one independent claim. Examiner Hotaling agreed that Examiner Kim's actions seemed unfair.

The Applicants' representatives further noted that Examiner Kim's interpretation of the claims seems unreasonably broad and is not consistent with the specification or with the understanding of one of ordinary skill in the art. Examiner Hotaling agreed that Examiner Kim's claim interpretation seems unreasonably broad.

For example, in reference to claim 22, Examiner Kim argued that a "first game-theme icon" can be the same as a "second game-theme icon." The Applicants' representatives respectfully noted that claiming a "first game-theme icon" and a "second game-theme icon" inherently requires the "first game-theme icon" to be different than the "second game-theme icon." Nevertheless, to advance prosecution, the Applicants' representatives agreed to amend claims 22 and 43 to specifically state that the "first game-theme icon" and the "second game-theme icon" are different game-theme icons. Similarly, claim 33 was amended to state that the tiles of the two groups are mutually exclusive.

Conclusion

It is the Applicants' belief that all the pending claims are now in condition for allowance, and thus reconsideration of this application is respectfully requested. If there are any matters which may be resolved or clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at the number indicated.

Upon filing of this response, a fee of $130 is being paid for a one-month extension of time via the deposit account identified below. It is believed that no other fees are due; however, should any fees be required (except for payment of the issue fee), the Commissioner is authorized to deduct the fees from Nixon Peabody LLP Deposit Account No. 50-4181, Order No. 247079-000292USPT.

Respectfully submitted,

Date: November 23, 2009

By: /Sorinel Cimpoes – Reg. No. 48,311/
Sorinel Cimpoes

Nixon Peabody LLP
300 S. Riverside Plaza, 16th Floor
Chicago, Illinois 60606-6613
(312) 425-8542

ATTORNEY FOR APPLICANTS